

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY
PATENT LITIGATION

MDL NO. 1592

IMMUNEX CORPORATION, a Washington
Corporation and AMGEN INC., a Delaware
Corporation,

Civil Action No. 04-10740-MLW

C.D. Cal. No. CV 03-4349 MRP (CWx)

Plaintiffs,

vs.

THE TRUSTEES OF COLUMBIA
UNIVERSITY in the City of New York,
a New York Corporation,

Defendant.

AND RELATED COUNTERCLAIM

**AMGEN INC.'S AND IMMUNEX CORPORATION'S SUBMISSION
PURSUANT TO THE COURT'S OCTOBER 15, 2004 ORDER**

Pursuant to the Court's October 15, 2004 Order, Amgen Inc. and Immunex Corporation (collectively "Amgen") hereby supplement their submissions relating to their Motion To Compel Defendant To Produce Dr. Siminovitch For His Deposition Or In The Alternative For Entry Of Letters Rogatory.

Columbia's October 11, 2004 submission to this Court, stating that Dr. Siminovitch is willing to appear for a deposition on November 18, 2004, and Dr. Siminovitch's agreement (as conveyed today by Columbia) to voluntarily produce documents as requested by Amgen's subpoenas at least one week before his deposition, Exh. A, resolves the dispute between the parties concerning discovery from Dr. Siminovitch.

October 22, 2004

Respectfully submitted,

IMMUNEX CORPORATION and AMGEN INC.
By their attorneys,

/s/ Eileen M. Herlihy

Eileen M. Herlihy (BBO #231410)

Palmer & Dodge LLP

111 Huntington Avenue at Prudential Center

Boston, MA 02199-7613

Telephone: (617) 239-0100

Facsimile: (617) 227-4400

Vicki G. Norton (CA #175067)

Wilson Sonsini Goodrich & Rosati

3611 Valley Centre Drive, Suite 525

San Diego, CA 92130

Telephone: (858) 350-2300

Facsimile: (858) 350-2399